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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

AYOUB MOEINI,

Plaintiff,

v.

ALBERTO GONZALES, Attorney General
of the United States; MICHAEL CHERTOFF,
Secretary of the United States' Department of
Homeland Security; EDUARDO AGUIRRE,
Acting Director of the Bureau of Citizenship
and Immigration Service; and DAVID STILL,
Director of the San Francisco District Office
of the Bureau of Citizenship and Immigration
Services,

Defendants.

No. C 07-0867 JW

**STIPULATION TO EXTEND DATE OF
CASE MANAGEMENT CONFERENCE;
AND [PROPOSED] ORDER**

The plaintiff, by and through his attorney of record, and defendants, by and through their attorneys of record, hereby stipulate, subject to approval of the Court, to a 90-day extension of the case management conference in this case, based on the following:

1. The plaintiff filed an application for naturalization with the United States Citizenship and Immigration Services (USCIS) on August 10, 2004.

2. As part of its processing of the naturalization application, the USCIS asked the FBI to conduct a name check of the plaintiff on August 23, 2004.

1 3. The plaintiff was interviewed on his naturalization application on March 21, 2005.

2 4. To date, the FBI has not yet completed the name check of the plaintiff.

3 5. On February 9, 2007, the plaintiff filed an action under 8 U.S.C. § 1447(b), which provides
4 that if the USCIS has failed to make a determination on an individual's application for
5 naturalization within 120 days after the date on which the applicant is examined, the applicant may
6 apply to the United States District Court for a hearing on the matter, and the District Court "may
7 either determine the matter or remand the matter, with appropriate instructions, to the Service to
8 determine the matter."

9 6. On March 14, 2007, the USCIS asked the FBI to expedite the plaintiff's name check.

10 7. The parties respectfully ask this Court to extend the date of the case management
11 conference, currently scheduled for May 21, 2007, for ninety days in light of the reasonable
12 possibility that the FBI will complete the name check within that period of time and the USCIS
13 can then adjudicate the naturalization application.

14 8. The parties ask this Court to re-schedule the case management conference for **August 20,**
15 **2007, at 10:00 a.m.**

16 Dated: April 24, 2007

Respectfully submitted,

17 SCOTT N. SCHOOLS
18 United States Attorney

19 /s/
EDWARD A. OLSEN
20 Assistant United States Attorney
Attorneys for Defendants

21 Dated: April 24, 2007

22 /s/
NEDA A. ZAMAN
23 Law Offices of Neda A. Zaman
Attorney for Plaintiff

24 **ORDER**

25 Pursuant to stipulation, IT IS SO ORDERED.

26 Date: April 25 2007

27 
JAMES WARE
28 United States District Judge